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Attorneys for Plaintiffs, PATRICK LaCROSS, ROBERT LIRA  
and MATTHEW LOFTON, on behalf of themselves and all  
others similarly situated

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

PATRICK LaCROSS, ROBERT	)	Case No. EDCV18-00771 JGB (JCx)
LIRA and MATTHEW LOFTON, on	)	Courtroom: 1 (Riverside)
behalf of themselves and all others	)	Hon. Jesus G. Bernal, Judge
similarly situated,	)	
	)	<b>PLAINTIFFS' OBJECTIONS TO</b>
Plaintiffs,	)	<b>EVIDENCE IN SUPPORT OF</b>
vs.	)	<b>PLAINTIFFS' MOTION TO</b>
	)	<b>REMAND TO STATE COURT</b>
KNIGHT TRANSPORTATION, INC.,	)	
an Arizona corporation; KNIGHT	)	
TRUCK and TRAILER SALES, LLC,	)	Date: June 23, 2014
an Arizona Limited Liability Company;	)	Time: 9:00 a.m.
and DOES 1 through 100, inclusive,	)	CtRm: 1
Defendants.	)	

Action Filed: 04/18/14

Plaintiffs, Patrick LaCross, Robert Lira and Robert Lofton, on behalf of themselves and all others similarly situated ('Plaintiffs'), hereby object to the evidence submitted by Defendants, Knight Transportation, Inc. and Knight Truck and Trailer Sales, LLC (collectively "Defendants"), in support of Plaintiffs Motion to Remand to State Court, as follows:

Objection No.	Evidence	Objection
1	Insofar as Plaintiffs have alleged that they are representative of a class of California-based independent contractors who worked for Knight Transportation for the last 4 years, Defendants made the following calculations: (Notice of Removal ¶ 21, p. 8, lines 13-16)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.
2	Based on Defendants' estimate, there are 557 class members (Notice of Removal ¶ 21, p. 8, line 18)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.
3	Insofar as Plaintiffs are alleged to be representative of a class of California-based contractors who worked for Knight Transportation over the last 4 years, Defendants made the following calculations (Notice of Removal ¶ 22, p. 8, lines 23-26)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.
4	557 class members (Notice of Removal ¶ 22, p. 8, line 27)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.

1	5	Based on my knowledge of the trucking industry as COO of Knight Sales, and those who compete with Knight Sales, I would estimate that the contractor-drivers who purchased and/or leased their equipment through companies other than Knight Sales did so on terms that are approximately the same as Knight Sales' terms (Declaration of Kevin Quast in Support of Defendants' Notice of Removal ¶ 4)	Improper expert opinion - Lacks qualifications and reliability—F.R.E. 702; Improper basis for expert opinion—F.R.E. 703; Inadmissible Hearsay—F.R.E. 802; Lack of Personal Knowledge—F.R.E. 602.
2	6	Based on my review of records that have been maintained in the ordinary course of business, Knight Transportation had Independent Contractor Operating Agreements with 116 California-based contractor drivers in 2010, 135 California-based contractor drivers in 2011, 118 California-based contractor drivers in 2012, and 188 California-based contractor drivers in 2013, which amounts to 557 California-based contractor drivers over the last four years (Declaration of Kevin Quast in Support of Defendants' Notice of Removal ¶ 4)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.
3	7	Approximately 80% of these independent contractors purchased and/or leased their tractors through Knight Sales, with the other 20% purchasing and/or leasing their tractors from companies that are not affiliated with either Knight Sales or Knight Transportation (Declaration of Kevin Quast in Support of Defendants' Notice of Removal ¶ 4)	Irrelevant. F.R.E. 401 and 402; Lack of Personal Knowledge (speculation, lack of foundation) F.R.E. 602; Improper Lay Opinion—F.R.E. 701.

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1 Plaintiffs respectfully request that the Court exclude the evidence offered by  
2 Defendants in support of their Notice of Removal on the grounds set forth above.

3 DATED: May 19, 2014

4 TRUSH LAW OFFICE, APC  
5 PERONA, LANGER, BECK, SERBIN,  
6 MENDOZA & HARRISON, APC

7 By: 

8 James M. Trush, Esq.  
9 Brennan S. Kahn, Esq.  
10 Attorney for Plaintiffs, PATRICK  
11 LaCROSS, ROBERT LIRA and  
12 MATTHEW LOFTON, on behalf of  
13 themselves and all others similarly situated  
14

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Costa Mesa, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 695 Town Center Drive, Suite 700, Costa Mesa, California. On May 19, 2014, I served the documents named below on the parties in this action as follows:

DOCUMENT(S) SERVED: Ntc. of Mo. & Mo to Remand to State Court; Points & Authorities in Support; Dec. of James M. Trush; Objections to Evidence; Certificate of Interested Parties; [Proposed] Order

SERVED UPON: SEE ATTACHED SERVICE LIST



(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of **Trush Law Office, APC** for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit;



(BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by **DDS Attorney Service** to receive documents to be delivered on the same date. A proof of service signed by the authorized courier is available upon request.



(BY FEDERAL EXPRESS) I am readily familiar with the practice of **Trush Law Office, APC** for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery)



(BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as complete and without error. Pursuant to C.R.C. 2009(I), I caused the transmitting facsimile machine to issue properly a transmission report, a copy of which is maintained at **Trush Law Office, APC**, and is available upon request.



(BY ELECTRONIC MAIL) The above-referenced document was transmitted by electronic mail transmission to the electronic mail address last provided me by the person(s) shown on the accompanying Service List, and I hereby attest that no information was received by sender indicating that the electronic mail transmission was undeliverable.



(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



(FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that I took said action(s) at the direction of a licensed attorney authorized to practice before the Federal Courts.

Executed on May 19, 2016, at Costa Mesa, California.

  
JULIE KENNEDY

SERVICE LIST

LaCross v. Knight Transportation - IC  
USDC/Central/Case No. EDCV18-00771 JGB (JCx)

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